

REMARKS

Status Of Application

Claims 1-19 are pending in the application; the status of the claims is as follows:

Claims 20-33 are canceled.

Claims 1-19 are provisionally rejected under 35 U.S.C. § 101 under double patenting.

Claims 1-19, 22, 23, 27, 29, and 33 are rejected under 35 U.S.C. § 102(a) as being anticipated by PriceDrive.com features, capabilities and/or characteristics in references ("PriceDrive.com features").

Claims 1-19, 22, 23, 27, 29, and 33 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Application Publication No. 2002/0194051 to Hall et al. ("Hall et al.").

Objection to the Title

The objection to the title of the invention as not being descriptive is noted and a new title is presented in this Amendment which is clearly indicative of the invention to which the claims are directed. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

Objection to the Abstract

The objection to the Abstract of the invention as being longer than 150 words is noted and an amended Abstract is presented in this Amendment. Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

Claim Amendments

Claims 1-19 have been amended to more particularly point out and distinctly claim the invention. These changes do not introduce any new matter.

35 U.S.C. §§ 102(a) and (e) Rejections

The rejection of claims 1-19 under 35 U.S.C. § 102(a) as being anticipated by PriceDrive.com or Hall, is respectfully traversed based on the following:

PriceDrive.com purports to show a “Smart Score Technology” that “monitors the inventory levels, days supply of inventory, sales history and market conditions to determine which dealers have the highest probability of selling the vehicle for the most profit in the shortest amount of time.” This purports to allow the seller to identify the dealers having the highest demand at any given time for a specific vehicle.

Hall shows a system for keeping a variety of auto inventory information. It can determine for a dealer a “To Do List” that includes determining a desired inventory level ([0048]). In addition, Hall suggests that data from the dealer management systems can be retrieved and made available to other users of the system. However, Hall does not show or suggest providing the To Do List information to any user other than the dealer using that To Do List.

In contrast to the cited references, claim 1 includes:

for each dealer, *determining a current individual dealer demand* for one or more of said product classes based on said dealer inventory information and the inventory profile of said dealer;

determining an aggregate dealer demand for said respective product classes by combining the current individual dealer demand amounts of the dealers having a demand for the respective product classes,

for each of said product classes, *determining market making potential of said product class* by comparing the corresponding aggregate dealer demands of said product classes to a threshold set of values for determining the ones of said product classes which have said demand exceeding said

threshold values,

determining if sufficient supply of the product exists for each of said determined product classes to create a demand-driven market by identifying potential suppliers of the product classes having market making potential, *scheduling a demand-driven market* for each of the product classes having market making potential if the aggregate dealer demand is greater than the demand threshold and where sufficient supply has been determined;...
(italics added)

Neither PriceDrive.com nor Hall shows or suggests anything other than determining the demand of individual dealers. In addition to identifying *current individual dealer demand*, claim 1 includes determining the *aggregate dealer demand*, determining if the *aggregate dealer demand is above a threshold*, determining if *sufficient supply exists to create a demand driven market* and *scheduling a demand-driven market* if all of these determinations are positive. The cited references do not show or suggest any of these steps. This method allows a supplier to maximize the sales yield and price because overall demand for the supplier's product at a demand driven market is maximized and a number of dealers with high demand for the product are identified and made part of the market. To anticipate, a reference must show, expressly or inherently, every limitation of the claim. Therefore, claim 1 is not anticipated by the cited references and is patentably distinct from the prior art. Claims 2-10 are dependent upon claim 1 and thus include every limitation of claim 1. Therefore, claims 2-10 are also not anticipated by the cited references and are patentably distinct from the prior art.

Also in contrast to the cited references, claim 11 includes:

for each said dealer, *determining a current individual dealer demand* for one or more of said product classes based on said dealer inventory information and an inventory profile of said dealer, said inventory profile including the number of at least one product class among said plurality of product classes each of the plurality of dealers optimal stocking level based on a typical sales rate for that dealer for the class of product, *determining aggregate dealer demand* by aggregating said demands respectively for said product classes, collecting supply information from said suppliers for a plurality of said product classes;

for each of said product classes, *determining market making potential of said product class* by comparing the corresponding supply and demand to a threshold set of values for determining the ones of said product classes which have said supply and said demand exceeding said threshold values, *scheduling a market for each of the product classes* that are determined to have market making potential, ...

As noted above, the cited references do not show or suggest anything other than determining the demand of individual dealers. In addition to identifying *current individual dealer demand*, claim 1 includes determining the *aggregate dealer demand*, determining if the *aggregate dealer demand is above a threshold*, *determining if the corresponding supply and demand is greater than threshold values* and *scheduling a demand-driven market* if all of these determinations are positive. The cited references do not show or suggest any of these steps. Therefore, claim 11 is not anticipated by the cited references and is patentably distinct from the prior art. Claims 12-19 are dependent upon claim 11 and thus include every limitation of claim 11. Therefore, claims 12-19 are also not anticipated by the cited references and are patentably distinct from the prior art.

Accordingly, it is respectfully requested that the rejection of claims 1-19 under 35 U.S.C. § 102(a) as being anticipated by PriceDrive.com or Hall, be reconsidered and withdrawn.

Double Patenting Rejection

The provisional rejection of claims 1-19 under the judicially created doctrine of double patenting over claims 1-19 of co-pending Application Serial No. 11/489,330, is respectfully traversed based on the following.

Claims 1-19 have been canceled in Application Serial No. 11/489,330. Therefore, this rejection is moot.

CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin LLP Deposit Account No. 18-1260.


If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee,

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Amendment dated April 4, 2007
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and not submitted herewith should be charged to Sidley Austin LLP Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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DA1 368907v.7



Determine current individual dealer demand

Determine aggregate dealer demand

Determine market making potential

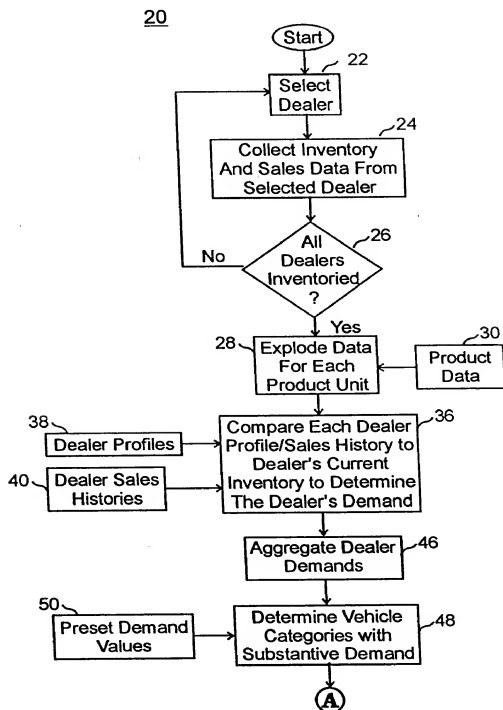


Fig. 2A



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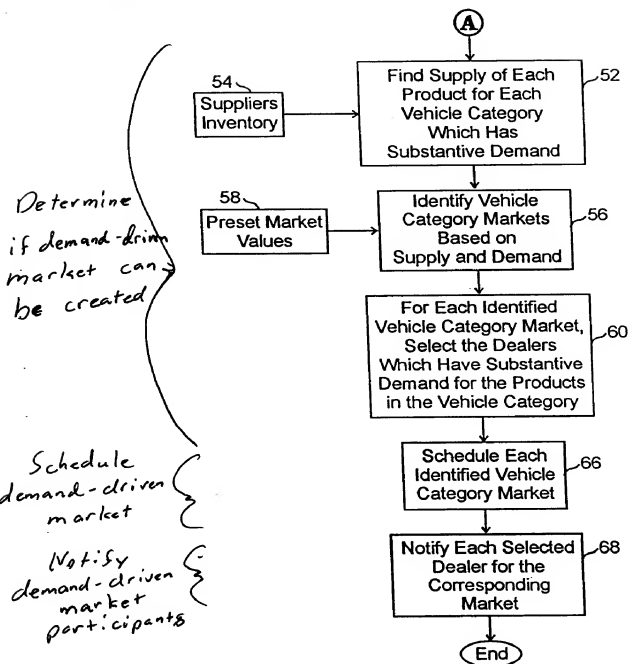


Fig. 2B



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Determine
current
individual
dealer demand

Determine
aggregate dealer
demand

Determine
market supply
available

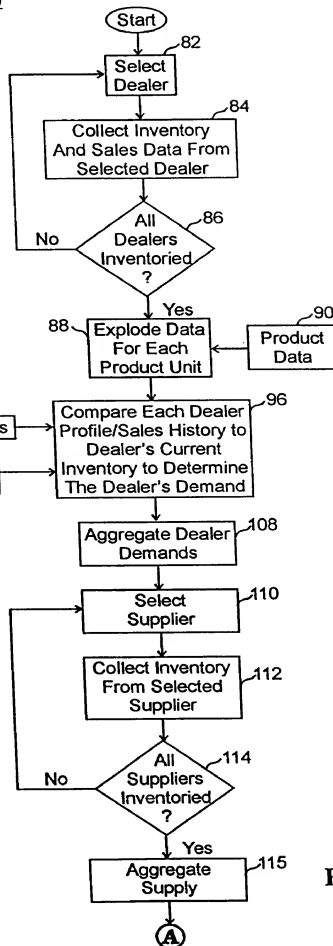
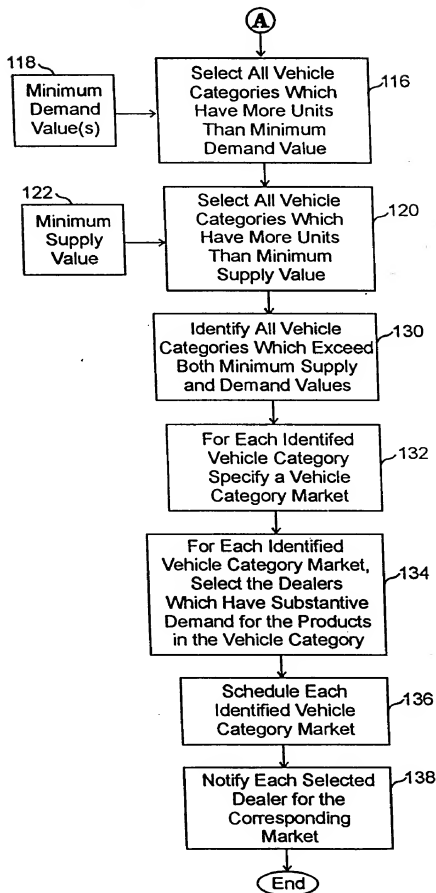


Fig. 3A



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Create
demand-driven
market

Schedule
demand-driven
market

Notify
demand-driven
market
participants

Fig. 3B